



**THE ATTORNEY GENERAL
OF TEXAS**

JIM MATTOX
ATTORNEY GENERAL

July 19, 1990

Mr. Terry W. Bradley
Attorney at Law
Johnson County Fresh Water
Supply District No. 1
13 Henderson Street
Cleburne, Texas 76031

OR90-304

Dear Mr. Bradley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9540.

The Johnson County Fresh Water Supply District No. 1 (the district) received an open records request for a list of the district's customers. You state that the only list of customers that the district possesses also contains the customers' home addresses and telephone numbers. You inquire whether such a list is subject to public disclosure, and if so, whether the district may delete the addresses and telephone numbers from the list and charge the requestor for the time involved in deleting this information.

All information held by governmental bodies, as that term is defined in section 2 of the act, is subject to required public disclosure unless the information comes within one of the act's exceptions listed in section 3(a). Although the attorney general will not ordinarily raise an exception that might apply but that the governmental body has failed to claim, see Open Records Decision No. 455 (1987), we will raise section 3(a)(1) because the release of confidential information could impair the rights of third parties and because its improper release constitutes a misdemeanor. See V.T.C.S. art. 6252-17a, § 10(e).

Section 3(a)(1) of the act protects "information deemed confidential by law, either Constitutional, statutory, or by judicial decision," including the common-law right to privacy. Industrial Found. of the South v. Texas Indus. Accident Bd., 540 S.W.2d 668 (Tex. 1976), cert. denied, 430

U.S. 930 (1977). Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, and it is of no legitimate concern to the public. Id. at 683-85.

Previous determinations of this office, Open Records Decision No. 169 (1977) and Attorney General Opinion MW-283 (1980), copies of which are enclosed, resolve your request. Individuals' home addresses and telephone numbers are not normally protected by the common-law right to privacy; only upon a showing of exceptional circumstances can such information be withheld. Further, governmental bodies may only charge requestors for the time involved in deleting information deemed confidential under the act. See Open Records Decision No. 488 (1988). You have not demonstrated that any of the home addresses and telephone numbers are exempt from public disclosure; absent such a showing, this information must be released along with the other requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-304.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 9540

Enclosure: Open Records Decision No. 169
Attorney General Opinion MW-283

cc: J.O. Massey
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